



FH
[REDACTED]

STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]

DECISION

FOO/145420

PRELIMINARY RECITALS

Pursuant to a petition filed November 21, 2012, under Wis. Admin. Code § HA 3.03(1), to review a decision by the Milwaukee Enrollment Services in regard to FoodShare benefits (FS), a hearing was held on December 12, 2012, at Milwaukee, Wisconsin.

The issue for determination is whether Petitioner's FoodShare were correctly discontinued for failing to complete a required case review.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]

Respondent:

Department of Health Services
1 West Wilson Street
Madison, Wisconsin 53703

By: Katherine May

Milwaukee Enrollment Services
1220 W Vliet St
Milwaukee, WI 53205

ADMINISTRATIVE LAW JUDGE:

David D. Fleming
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Milwaukee County.
2. Petitioner's FoodShare were discontinued effective November 1, 2012 for failing to complete a required case review.
3. Petitioner was sent a notice dated September 17, 2012 that informed her that her review had to be completed by October 31, 2012. That notice was sent to Petitioner at [REDACTED] in Milwaukee. The notice also indicated that the interview was part of the review requirement.

4. October 12, 2012 Petitioner completed an online review form. On that form she indicated that she lived at [REDACTED] in Milwaukee and had a mailing address of 2545 N. [REDACTED] St., Milwaukee. The online form also indicated, however, that Petitioner was homeless.
5. October 11, 2012 the agency sent Petitioner a notice of a renewal interview. The date of that interview was to be October 22, 2012 at 9 AM at the agency offices at 1220 W. Vliet St. That notice was sent to Petitioner at [REDACTED] in Milwaukee. Petitioner did not appear for that appointment.
6. Agency case notes indicate that another interview was set for Petitioner for October 29, 2012. The notice as to that appointment is not in the record.
7. Petitioner was sent a Notice of Decision dated October 19, 2012 that informed her that her FoodShare benefits were being discontinued effective November 1, 2012 for failing to complete a review. That notice also informed her that she had to the end of the month to complete that review. That notice was sent to Petitioner at the mailing address provided on the online renewal, 2545 N. [REDACTED] in Milwaukee.
8. Petitioner did not appear for the October 29 interview nor did she contact the agency about her FoodShare benefits until November 19, 2012. At that time she completed the required interview. Her FoodShare benefits were restored as of November 19, 2012. A prorated allotment of \$80 was issued for November. The maximum allotment for one person, \$200, was issued to Petitioner for December 2012.
9. The address noted by Petitioner when she filed this appeal is [REDACTED] in Milwaukee.

DISCUSSION

FoodShare recipients must complete an interview and verify current household information in the last month of the certification period in order to be recertified and to continue to receive FoodShare benefits. *FoodShare Wisconsin Handbook (FSH)*, §§2.2.1 and 2.2.1.3; 7 CFR §273.14. Failure to complete a review results in the closing of the case. If the review is not completed until after the case is closed because of household error or inaction, the FS are not issued in full. Instead, the case is treated as a new application, and benefits are to be prorated as of the date of the review. 7 CFR §273.14(e)(3); *FSH*, §2.2.1.4.

Here Petitioner contends that she was unaware of the review interview because the agency sent a notice of that review interview to the wrong address. Again that was sent to Petitioner at 2945 N. 12th Street.

FoodShare eligibility cannot continue without review. While Petitioner's address situation is confusing I am concluding that she received adequate notice as to the review requirement and that her failure to complete the review is not the fault of the agency.

The initial notice noting that a review was required by the end October 2012 was sent to the [REDACTED] address and Petitioner did complete the online portion of the review on October 12, 2012. The review appointment notice was sent to [REDACTED] on October 11. Petitioner contends that she did not receive this. Her online application noted the [REDACTED] mailing address. The Notice of Decision informing Petitioner of the case closure was sent to the [REDACTED] address and also told Petitioner that she could complete the review by the end of October. There was no contact with Petitioner until November 19, 2012.

I conclude that Petitioner received multiple notices as the review requirement, the case closure and the need to complete the review process by the end of October 2012. In combination these notices were sent to the two addresses provided by Petitioner.

CONCLUSIONS OF LAW

That Petitioner's FoodShare benefits were correctly discontinued for failing to complete a required review.

THEREFORE, it is

ORDERED

That this appeal is dismissed.

REQUEST FOR A REHEARING

This is a final administrative decision. If you think this decision is based on a serious mistake in the facts or the law, you may request a rehearing. You may also ask for a rehearing if you have found new evidence which would change the decision. Your request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and tell why you did not have it at your first hearing. If you do not explain these things, your request will have to be denied.

To ask for a rehearing, send a written request to the Division of Hearings and Appeals, P.O. Box 7875, Madison, WI 53707-7875. Send a copy of your request to the other people named in this decision as "PARTIES IN INTEREST." Your request for a rehearing must be received no later than 20 days after the date of the decision. Late requests cannot be granted.

The process for asking for a rehearing is in Wis. Stat. § 227.49. A copy of the statutes can be found at your local library or courthouse.

APPEAL TO COURT

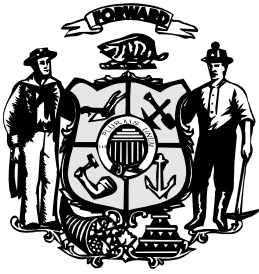
You may also appeal this decision to Circuit Court in the county where you live. Appeals must be served and filed with the appropriate court no more than 30 days after the date of this hearing decision (or 30 days after a denial of rehearing, if you ask for one).

For purposes of appeal to circuit court, the Respondent in this matter is the Department of Health Services. After filing the appeal with the appropriate court, it must be served on the Secretary of that Department, either personally or by certified mail. The address of the Department is: 1 West Wilson Street, Madison, Wisconsin 53703. A copy should also be sent to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400.

The appeal must also be served on the other "PARTIES IN INTEREST" named in this decision. The process for appeals to the Circuit Court is in Wis. Stat. §§ 227.52 and 227.53.

Given under my hand at the City of Milwaukee,
Wisconsin, this 16th day of January, 2013

\sDavid D. Fleming
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

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The preceding decision was sent to the following parties on January 16, 2013.

Milwaukee Enrollment Services
Division of Health Care Access and Accountability